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Atty. Dkt. No. 074273-0191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ryuhei FUJIWARA
Title: COMMUNICATION SYSTEM
CAPABLE OF REDUCING
COMMUNICATION LOAD
Appl. No.: 09/892657
Filing Date: 06/28/2001
Examiner: J. A. Gelin
Art Unit: 2681

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Reason

1. This application does not fulfill the conditions stipulated in the Japan Patent Law Article 37 on the following points.

Note

The use of wireless communication such as infrared communication to synchronize files within corresponding folders on both a desktop PC and a portable PC (a newly added file is transmitted, received, and stored in the corresponding folder) is well-known art. (For example, refer to Japanese Unexamined Patent Application Publication 2000-82007.)

For this reason, we find that the principal parts (novelty corresponding to the Problem to be Solved by the Invention (which is a problem unresolved at the time of the application, not a general problem)) in the invention described in Claim 1 are “a file storage means which substitutes a file that another device is to transmit and stores it,” “an activation timing setting means,” and “file readout means . . . when the activation time has arrived . . .”; the principal parts in the invention described in Claims 6 and 7 are “a position sensing means,” and “a file transmission means . . . when this position detection means detects a position fixed in advance”; and the principal part in the invention described in Claim 8 is “a file transmission means . . . when a file is stored in an individual memory region.”

Consequently, because the main required parts in the invention described in Claim 1 and the inventions described in Claims 6 through 8 differ, we cannot find that they have the relationship stipulated in the Japan Patent Law Article 37, Item 2.

Moreover, because the principal parts of the inventions clearly differ, the invention described in Claim 1 and the inventions described in Claims 6 through 8 do not have the same problem to be solved, and we cannot find that they have the relationship stipulated in the Japan Patent Law Article 37, Item 1.

Furthermore, we cannot find that the invention described in Claim 1 and the inventions described in Claims 6 through 8 fulfill any of the relationships stipulated in the Japan Patent Law Article 37, Items 3, 4, and 5.

Consequently, the present application is in violation of the Japan Patent Law Article 37, and therefore, the inventions related to claims other than Claims 1 through 5 cannot be examined regarding the requirements of articles other than the Japan Patent Law, Article 37.

2. The Detailed Description of the Application of this application does not fulfill the requirements stipulated in the Japan Patent Law Article 36, Paragraph 4 on the following points.

Note

The structure relating to the folder (Fig. 6, etc.) is unclear for the following reasons.

(1) In Fig. 6 there is one file name in each of the folders, but it is not clear if multiple files can be stored in the folders.

(2) The explanation in paragraph (0046) is short and cannot be understood. A detailed explanation in a Written Opinion is wanted.

(3) Stated in paragraphs (0061) through (0064) and in Figs. 10 and 11 is that if a file is in folder A, B or C, then it is transmitted. Nonetheless, because the functional attributes of folders A, B or C are "synchronous," it seems necessary to access the portable information terminal and determine whether the folder contents are the same. Resolution of the inconsistency on this point is wanted.

Therefore, the Detailed Description of the Invention of this application is not clearly and fully described enough for a person skilled in the art to implement the invention related to Claims 1 through 5.

3. This description of the claims in this application does not fulfill the requirements stipulated in the Japan Patent Law Article 36, Paragraph 6 on the following points.

Note

(1) An “arbitrary number” is described in Claim 1, but because “0” also constitutes an arbitrary number, the structure of the invention is not clear.

(2) “These processes” is stated in Claim 1, but what kind of processes is unclear.

(3) Files are transmitted and the file contents are received in Claim 1, but the difference between “files” and “file contents” is unclear.

(4) Described in Claim 1 is “a second-device-side folder corresponding to the aforementioned first-device-side folder,” but the structure of the invention is unclear in this statement because it is not clear to what kind of first-device-side folder it corresponds. For example, how about “a second-device-side-folder corresponding to the aforementioned first-device-side folder in which the file in question has been stored”?

Therefore, the inventions according to Claims 1 through 5 are unclear.

If new reasons for rejection are discovered, notification will be made of the reasons for rejection.

An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

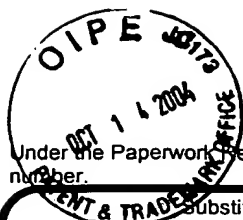
Respectfully submitted,

Date October 7, 2004

By 

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: October 7, 2004 (use as many sheets as necessary)		Complete if Known	
		Application Number	09/892657
		Filing Date	06/28/2001
		First Named Inventor	Ryuhei FUJIWARA
		Group Art Unit	2681
		Examiner Name	J. A. Gelin
		Attorney Docket Number	074273-0191

Sheet	1	of	1
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	2000-82007	A	Hitachi Ltd	03/21/2000		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: COMMUNICATION SYSTEM
CAPABLE OF REDUCING
COMMUNICATION LOAD

Appl. No.: 09/892,657

Filing Date: 10/7/04

Examiner: J. A. Gelin

Art Unit: 2681

CERTIFICATE OF MAILING

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

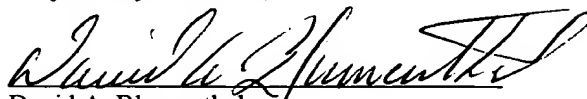
I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450.

1. Information Disclosure Statement
2. PTO SB08 form (1 reference enclosed)
3. Postcard

October 7, 2004
Date

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